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August 31, 2022

VIA ECF

Hon. Steven Tiscione
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Besedin v. County of Nassau, et al.*
Docket No. 18-CV-0819 (KAM)(ST)
File No. 210099

Your Honor:

I represent the defendants in this action and write to update the Court on the status of discovery.

As discussed at the conference on July 20, 2022, Meadowbrook Care Center, the facility where plaintiff presently resides, informed us that they were able and willing to have plaintiff examined by psychiatrist chosen by Meadowbrook Care Center in order to determine plaintiff's capacity to testify under oath and/or maintain this action. Plaintiff's counsel indicated that he had some questions and / or concerns he would like to discuss with the social worker before agreeing to the examination.

Following the conference, we attempted to schedule a conference call with a representative from Meadowbrook Care Center and counsel for all parties in order to discuss the potential examination. Unfortunately, we were not successful in arranging such a call as we have had difficulty arranging a time where both Mr. Brewington and the staff from Meadowbrook Care Center are available. This has been at least partly due to Mr. Brewington's absence from the office due to he and his spouse's recent illness.

Although we have not yet been able to arrange a capacity evaluation, we have arranged for plaintiff to appear for an independent medical examination with Dr. Thomas Myers, a neuropsychologist. The examination is scheduled to take place on Friday, September 2nd at 9:00am.

We are also attempting to arrange a conference call with plaintiff's primary care provider at Meadowbrook Care Center, Dr. Jagllal. If Dr. Jagllal is able to offer an opinion regarding plaintiff's ability to testify it may alleviate the need for a formal evaluation.

SOKOLOFF STERN LLP

Hon. Steven Tiscione
August 31, 2022
Page 2 of 2


If we are able to proceed with plaintiff's deposition, we have been advised by Meadowbrook Care Center that they are able to provide a conference room for the deposition and that counsel for both parties and a court reporter will be permitted to enter the facility, subject to COVID19 testing.

Finally, we are waiting for plaintiff's counsel to provide us with new dates for the deposition of plaintiff's wife, Judith Besedin. Mrs. Besedin was scheduled to be deposed on June 6, 2022. The deposition did not proceed because she was feeling ill.

Thank you for your consideration of this matter.

Respectfully submitted,

SOKOLOFF STERN LLP



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CC:

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